

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Latasha Brooks, et al.,

Plaintiff,

Case No. 2:23-cv-3043

v.

Judge Michael H. Watson

Peoples Bank,

Magistrate Judge Deavers

Defendants.

OPINION AND ORDER

Plaintiffs Latasha Brooks, Michael Brooks, Earl Blankenship, Stephen McDonald, and Cheryl Barefoot (“Plaintiffs”), individually and on behalf of all others similarly situated, move the Court to designate Terence R. Coates of Markovits, Stock & DeMarco, LLC, and Philip J. Krzeski of Chestnut Cambronne PA (“Counsel”), as interim class co-counsel. See Mot., ECF No. 20. Defendant does not oppose the motion. *Id.* For the following reasons, the motion is

GRANTED.

Pursuant to Federal Rule of Civil Procedure 23(g)(3), “[t]he [C]ourt may designate interim counsel to act on behalf of a putative class before determining whether to certify the action as a class action.” In selecting interim counsel, “[c]ourts customarily assess applicants under the rubrics for appointment of permanent class counsel.” *In re: Am. Honda Motor Co., Inc.*, Case No. 2:15-MD-2661, 2015 WL 12723036, at *1 (S.D. Ohio Dec. 18, 2015) (citations omitted).

Accordingly, under Federal Rule of Civil Procedure 23(g)(2), the Court must consider:

- (i) the work counsel has done in identifying or investigating potential claims in the action;
- (ii) counsel's experience in handling class actions, other complex litigation, and the types of claims asserted in the action;
- (iii) counsel's knowledge of the applicable law; and
- (iv) the resources that counsel will commit to representing the class[.]

Fed. R. Civ. P. 23(g)(1)(A). The Court must also be assured class counsel will "fairly and adequately represent the interests of the class." Fed. R. Civ. P. 23(g)(4).

Counsel have already begun working to efficiently manage the litigation, have successfully litigated many class actions involving data breach claims, have demonstrated knowledge of applicable laws, and have the necessary resources to prosecute the litigation. *See generally*, Mot., ECF No. 20; Declaration of Terrence R. Coates, ECF No. 20-1; Chestnut Cambronne Firm Resume, ECF No. 20-2 (listing class action cases the firm has been involved with). In addition, the motion is unopposed. Accordingly, Counsel are qualified to be interim co-counsel, and the Court believes Counsel will fairly and adequately represent the class.

Plaintiffs' motion to appoint interim class co-counsel is **GRANTED**. The Court **APPOINTS** Terence R. Coates of Markovits, Stock & DeMarco, LLC, and Philip J. Krzeski of Chestnut Cambronne PA, as interim class co-counsel.

The Clerk shall terminate ECF No. 20.

IT IS SO ORDERED.



MICHAEL H. WATSON
MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT